

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Civil Action No.: 3:11-cv-00065-GCM

BANK OF NEW YORK AS TRUSTEE FOR)	
THE NOTEHOLDERS CWABS II, INC.,)	
LFT 2005-04,)	
)	
Plaintiff,)	
vs..)	
)	<u>CONSENT ORDER RELATIVE</u>
KHARA INGRAM AND KYRON INGRAM;)	<u>TO DEFENDANTS NATIONWIDE</u>
NATIONWIDE TRUSTEE SERVICES,)	<u>TRUSTEE SERVICES, INC.</u>
INC.; SELECTIVE DEVELOPMENT,)	<u>AND UNITED STATES</u>
LLC.; UNITED STATES DEPARTMENT)	<u>DEPARTMENT OF HOUSING &</u>
OF HOUSING & URBAN DEVELOPMENT;)	<u>URBAN DEVELOPMENT</u>
ATREUS COMMUNITIES GROUP)	
F/K/A HOMELIFE COMMUNITIES)	
GROUP OF CHARLOTTE, INC.;)	
LVNV FUNDING, LLC.,)	
)	
Defendants.)	

Plaintiff has filed the above-styled action seeking:

(a) to rescind the foreclosure of that certain Deed of Trust ("the Deed of Trust") recorded on December 30, 2002 in Book 14620, Page 899 of the Mecklenburg County, N.C. Registry of Deeds ("the Deed of Trust");

(b) to reform that certain Warranty Deed ("the First Warranty Deed") recorded on May 20, 2002 in Book 13578, Page 654 of the Mecklenburg County, N.C. Registry of Deeds;

(c) to remove and cancel that certain Corrective Warranty Deed ("the Corrective Warranty Deed") recorded at Book 14912, Page 694 of the Mecklenburg County, N.C. Registry of Deeds;

(d) a declaratory judgment that Plaintiff holds the senior lien interest in that certain real property ("the Property") located at 3608 Lukes Drive, Charlotte, North Carolina 28216 and being more particularly described as follows:

Being all of Lot 22 in Linda Vista Village, Map 2, as same is shown on a map thereof recorded in Map Book 37 at Page 343 in the Mecklenburg County Registry;

and,

(e) and an order of judicial foreclosure pursuant to a default by Defendants Khara Ingram and Kyron Ingram under payment obligations set forth in a Promissory Note ("the Note") and the Deed of Trust, both of which Plaintiff is the current holder of record.

IT APPEARING TO THE COURT that Plaintiff and Defendants Nationwide Trustee Services, Inc. ("Defendant NTS") and United States Department of Housing & Urban Development ("Defendant HUD") have reached an agreement in this matter and that all parties by the signature or signatures of their authorized principal(s) or counsel below hereby indicate their intention and consent to be bound by this interlocutory Consent Order and the terms herein contained; and now, therefore, it is hereby

ORDERED AND ADJUDGED that as between Plaintiff and Defendants NTS and HUD, the Plaintiff shall be entitled, in a final judgment in the above-styled action, to the following relief:

1. a declaratory judgment that the foreclosure sale ("the Foreclosure Sale") of the Property conducted on June 12, 2008 in Foreclosure of Real Property Under Deed of Trust from Khara Ingram and Kyron Ingram, General Court of Justice, Superior Court Division, Mecklenburg County, N.C., Before the Clerk, File No. 08 SP 2983 ("the Foreclosure SP") is void and of no effect;

2. a declaratory judgment that the Substitute Trustee's Deed recorded on August 26, 2008 at Book 24670, Page 868 in the Mecklenburg County, N.C. Registry of Deeds or any other deed executed pursuant to the Foreclosure Sale is null and void;

3. a declaratory judgment that the final report and account of the Foreclosure Sale regarding the sale conducted on June 12, 2008 is null and void;

4. a declaratory judgment that the Deed of Trust is reinstated, and that the parties thereto have the same rights and remedies thereto as if the foreclosure sale had not taken place;

5. a judgment and decree reforming the First Warranty Deed to reflect Defendant Selective Development, LLC. as the correct grantor and transferor of title, relating backing to the date of recordation of the First Warranty Deed;

6. a judgment and decree removing and cancelling the Corrective Warranty Deed from title;

7. a judgment and decree that Defendants Khara and Kyron Ingram are in default of their payment obligations under the Note and Deed of Trust;

8. a judgment, decree of foreclosure and sale, declaring and establishing that Plaintiff holds the senior lien interest in the Property and that its (Plaintiff's) substitute trustee, Defendant NTS, acting as Commissioner, shall be authorized to conduct a judicial foreclosure sale of the fee interest in the Property, subject to any prior liens, and pursuant and in accordance with Article 29A, Chapter 1 of the North Carolina General Statutes (§§ 1-339 *et seq.*);

9. a judgment that the judicial foreclosure sale of the Property shall take place at a public auction to the highest bidder at the Mecklenburg County Courthouse, North Carolina, with a deposit of cash or certified funds upon the close of the bidding in the amount of ten percent of the final bid;

10. a judgment that after the judicial foreclosure has been finalized and completed pursuant to North Carolina law, the highest bidder at the foreclosure sale may apply for a Writ of Possession and, after said application has been filed and the ten day period has elapsed, a Writ of Possession shall be granted to the highest bidder at the foreclosure sale;

11. the recording of a certified copy of the final Judgment entered in the above-styled action in the Mecklenburg County, N.C. Registry of Deeds and cross referencing:

(a) the First Warranty Deed recorded on May 20, 2002 in Book 13578, Page 654;

(b) the Deed of Trust recorded on December 30, 2002 in Book 14620, Page 899;

(c) the Corrective Warranty Deed recorded on February 28, 2003 at Book 14912, Page 694; and,

(d) the Substitute Trustee's Deed recorded on August 26, 2008 at Book 24670, Page 868.

Dated this 23^d day of July, 2012 sm


GRAHAM MULLEN
UNITED STATES DISTRICT SENIOR JUDGE

Prepared, presented and consented to
by:

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Consented to by:

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Consented to by:

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